

8-9-A. Administrative Enforcement: Issuance of Complaints, Signing of Consent Agreements, etc. (1200 TN 350 8-9-A)**1. AUTHORITY.** Pursuant to the Solid Waste Disposal Act (SWDA):

- a. To make determinations of violation of Subtitle C;
- b. To issue warning letters or other notices;
- c. To issue compliance orders;
- d. To issue notices to States;
- e. To issue complaints; and
- f. To negotiate and sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED. Director, Enforcement and Compliance Assurance Division (ECAD); Chief, Air, RCRA & Toxics Branch, ECAD; Director, Land, Chemicals and Redevelopment Division (LCRD); Chief, RCRA Corrective Action Branch 1, LCRD; and the Chief, RCRA Corrective Action Branch 2, LCRD.

3. LIMITATIONS. The delegates may exercise these authorities only for those cases initiated by the Region. The delegates must consult with the Regional Counsel or his/her designee prior to issuing complaints.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. See the Chapter 8 Delegations entitled:

8-9-A. Administrative Enforcement: Issuance of Complaints Signing of Consent Agreements, etc. (continued)

5. ADDITIONAL REFERENCES (continued)

- i. "Determination That There Is or Has Been a Release";
- ii. "Administrative Enforcement - Corrective Action Authority: Issuance of Complaints and Orders, Signing of Consent Agreements"; and
- iii. "Administrative Enforcement-Corrective Action: Agency Representation in Hearings and Signing of Consent Agreements.

6. SUPERSESSION. Delegations Manual, SWDA, Regional Delegation 8-9-A. Administrative Enforcement: Issuance of Complaints, Signing of Consent Agreements, etc., 1200 TN RIII 205 (November 30, 2018).

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